

Minutes

Appeal Authority Meeting

December 21, 2005, 7:00 p.m.

Board members and alternates present: Mark Nelson, Don Montoya (replacing Bob Brems), Jeff Sanders, Loch Wade, Cookie Schaus, Curtis Oberhansly, Sergio Femenias, and Peg Smith, secretary

Mark brought the meeting to order at 7:12 p.m. The agenda for the meeting was to review and approve last meeting's minutes and to discuss and clarify board procedures.

Motions

Loch made a motion to approve the November 7 minutes (with a spelling correction); Don seconded and motion, and all approved.

Loch moved to delete the *Policy on Individuals Speaking to Applicants* on page 2 of the November 7 minutes, and replace that procedure with a strict standard of avoiding all direct conversation between Appeals Board members and applicants, and to direct all appeal/variance applicants to town staff (Town Clerk, Zoning Administrator, Appeals Secretary, or Appeals Consultant) for questions or information. Don seconded the motion, and the board unanimously approved.

Discussion

The context of the discussion was the long-range ramifications of LUDMA (the Land Use Development and Management Authority law enacted last spring) as related to Boulder Town policies and procedures. Mark invited Curtis to address some of the "big picture" changes.

Curtis reiterated that 5th District Court is the next step for applicants seeking redress of Appeal Authority decisions. Therefore, the board needs to consider its own procedures in context of potential litigation.

For example, the entire process of apply for an appeal or variance needs to be carefully defined:

- Rules for applicability of appeal or variance must be specified.
- The application form itself must guide the applicant in providing the required information.
- The process for receiving, reviewing, and accepting the application must be clear.
- The responsibility for sending notices to adjacent landowners must be clear.

The bottom line in all these considerations is to be able to prove that the Town afforded the applicant due process.

Actions

Mark directed the board to review copies of other towns' appeal/variance applications and report back with recommendations for amending the Boulder Town application and instructions.

Peg was to see that the \$30 filing fee was put on the Town Board agenda for discussion and to distribute copies of Summit and Weber applications for review.

Mark asked Curtis to obtain updated copies of the 10.9.70.2 statute.

Don moved to adjourn the meeting; Loch seconded the motion. Mark adjourned the meeting at 9:30 p.m.